

example noted on page 14, lines 16-18, of the specification, cannot be equated with detecting control plane congestion, since, according to that example, IP congestion indicates data plane congestion, not control plane congestion that could be due to link congestion, but could also be due to congestion on connection processors. Thus, Applicant submits that claim 20 is in condition for allowance.

Regarding claim 21, Applicant respectfully disagrees. While the Examiner cites col. 5, lines 13-30, of Fedyk et al. as teaching the subject matter set forth in claim 21, Applicant is unable to locate teaching of the features of claim 21 in the cited portion of Fedyk et al. As one example, Fedyk et al. appears not to disclose providing "the congestion notification via a routing plane within the signaling network." Fedyk et al. do not appear to mention a routing plane or the use of a routing plane for providing a congestion notification. Thus, Applicant submits that claim 21 is in condition for allowance.

Regarding claim 22, Applicant respectfully disagrees. Again, Applicant notes that Fedyk et al. do not appear to mention a routing plane or the use of a routing plane for providing a congestion notification. Thus, Applicant submits that claim 22 is in condition for allowance.

Regarding claim 23, Applicant respectfully disagrees. Applicant notes that Fedyk et al. do not appear to mention a signaling plane or the use of a signaling plane for providing a congestion notification. Thus, Applicant submits that claim 23 is in condition for allowance.

Regarding claim 24, Applicant respectfully disagrees. Applicant notes that claim 24 depends from claim 20. Applicant has presented arguments for the allowability of claim 20. Thus, Applicant submits that claim 24 is also in condition for allowance.

Regarding claim 25, Applicant respectfully disagrees. Again, Applicant notes that Fedyk et al. do not appear to mention a signaling plane or the use of a signaling plane for providing a congestion notification. Thus, Applicant submits that claim 25 is in condition for allowance.

Regarding claim 26, Applicant respectfully disagrees. Applicant notes that claim 26 depends from claim 20. Applicant has presented arguments for the allowability of claim 20. Thus, Applicant submits that claim 26 is also in condition for allowance.

Regarding claim 27, notes that claim 27 depends from claim 20. Applicant has presented arguments for the allowability of claim 20. Thus, Applicant submits that claim 27 is also in condition for allowance.

Regarding claim 28, Applicant respectfully disagrees. Applicant notes that Fedyk et al. do not appear to mention a source routed control network. Thus, Applicant submits that claim 28 is in condition for allowance.

Regarding claim 29, Applicant notes that claim 29 depends from claim 20. Applicant has presented arguments for the allowability of claim 20. Thus, Applicant submits that claim 29 is also in condition for allowance.

Regarding claims 1-10, the Examiner states, "they feature the same limitations as claims 20-29 and are rejected for the same reasons as claims 20-29." While Applicant would note that claims 1-10 differ from claims 20-29, Applicant notes that, to the extent the Examiner considers them similar to claims 20-29, Applicants arguments presented with respect to claims 20-29 should be considered by the Examiner to be also applicable to claims 1-10. Thus, Applicant submits that claims 1-10 are in condition for allowance.

Regarding claim 30, claim 30 depends from claims 20, 21, and 22. Applicant has presented arguments for the allowability of claims 20, 21, and 22. Thus, Applicant submits that claim 30 is also in condition for allowance.

Regarding claim 31, Applicant respectfully disagrees. Applicant submits that Fedyk et al. teach away from the claimed invention, as set forth in claim 31. For example, in col. 6, lines 7-11, Fedyk et al. state, "If determined to be a negative feedback message, then the process continues to step 312 in which the process repeats, thus looping back to step 300, in which another path is selected for attempting to transmit the desired data." Therefore, Applicant can find nothing in Fedyk et al. teaching "the congestion notification includes a congestion level" or "reducing control traffic to the network element at which the control plane congestion has been detected" or "wherein an amount of reduction in control traffic to the network element is based on the congestion level." Thus, Applicant submits that claim 31 is in condition for allowance.

Regarding claim 32, Applicant respectfully disagrees. Applicant notes that Fedyk et al. appear to teach away from the claimed invention as set forth in claim 32. For example, in col. 6, lines 7-14,

for neither a “negative feedback message” nor a “positive feedback message” does Fedyk et al. appear to disclose the step of “sending a first connection setup message along the first routing path.” Rather, for a “negative feedback message,” Fedyk et al. select another path, and for a “positive feedback message,” Fedyk et al. transmit data, which appears not be described as a setup message. Thus, Applicant submits that claim 32 is in condition for allowance.

Regarding claim 33, Applicant respectfully disagrees. Applicant is unable to locate teaching of the features of claim 33 in the cited portion of Fedyk et al. As one example, Fedyk et al. appears not to disclose “receiving an indication of control plane congestion....” As noted above, Fedyk et al. do not appear to mention “control plane congestion.” Thus, Applicant submits that claim 33 is in condition for allowance.

Regarding claim 34, Applicant notes that claim 34 depends from claim 33. Applicant has presented arguments for the allowability of claim 33. Thus, Applicant submits that claim 34 is also in condition for allowance.

Regarding claim 35, Applicant respectfully disagrees. Applicant can find no teaching in Fedyk et al. of causing removal of “the congestion information from the table after a predetermined time period.” Thus, Applicant submits that claim 35 is in condition for allowance.

Regarding claim 36, Applicant respectfully disagrees. As one example, Applicant can find no teaching in Fedyk et al. that “congestion information includes a level of congestion.” As another example, Applicant can find no teaching in Fedyk et al. that “the predetermined time period is based on the level of congestion.” Thus, Applicant submits that claim 36 is in condition for allowance.

Regarding claim 37, Applicant respectfully disagrees. For example, as noted above, Applicant can find no teaching in Fedyk et al. of an “indication of control plane congestion.” Thus, Applicant submits that Fedyk et al. cannot disclose “relaying the indication of control plane congestion to at least one additional node in the communication network.” Therefore, Applicant submits that claim 37 is in condition for allowance.

Regarding claim 38, Applicant respectfully disagrees. For example, as noted above, Applicant can find no teaching in Fedyk et al. of an “indication of control plane congestion.” Thus, Applicant submits that Fedyk et al. cannot disclose storing “congestion information included in the indication of

control plane congestion in a congestion database.” Therefore, Applicant submits that claim 38 is in condition for allowance.

Regarding claim 39, Applicant respectfully disagrees. As one example, as noted above, Applicant can find no teaching in Fedyk et al. of an “indication of control plane congestion.” As another example, Applicant can find no teaching in Fedyk et al. of such an indication being “received by the processing module via a routing plane.” Thus, Applicant submits that claim 39 is in condition for allowance.

Regarding claim 40, Applicant respectfully disagrees. As one example, as noted above, Applicant can find no teaching in Fedyk et al. of an “indication of control plane congestion.” As another example, Applicant can find no teaching in Fedyk et al. of such an indication being “received by the processing module via a signaling plane.” Thus, Applicant submits that claim 40 is in condition for allowance.

Regarding claims 11-19, the Examiner states, “they have the same limitations as claims 32-40 and are rejected for the same reasons as claims 32-40.” While Applicant would note that claims 11-19 differ from claims 32-40, Applicant notes that, to the extent the Examiner considers them similar to claims 32-40, Applicants arguments presented with respect to claims 32-40 should be considered by the Examiner to be also applicable to claims 11-19. Thus, Applicant submits that claims 11-19 are in condition for allowance

Regarding claim 41, Applicant respectfully disagrees. Applicant submits that Fedyk et al. teach away from the claimed invention, as set forth in claim 41. For example, in col. 6, lines 7-11, Fedyk et al. state, “If determined to be a negative feedback message, then the process continues to step 312 in which the process repeats, thus looping back to step 300, in which another path is selected for attempting to transmit the desired data.” Therefore, Applicant can find nothing in Fedyk et al. teaching “the congestion notification includes a congestion level” or “reducing control traffic to the network element at which the control plane congestion has been detected” or “wherein an amount of reduction in control traffic to the network element is based on the congestion level.” Thus, Applicant submits that claim 41 is in condition for allowance.

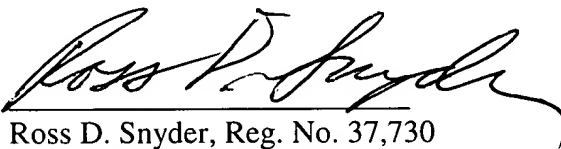
Regarding claim 42, Applicant respectfully disagrees. Applicant is unable to locate teaching of the features of claim 42 in the cited portion of Fedyk et al. As one example, Fedyk et al. appears not to disclose “detecting control plane congestion at a network element.” As noted above, Fedyk et al. do

not appear to mention "control plane congestion." Thus, Applicant submits that claim 42 is in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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Date


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